

REFERENCE TITLE: ELL; Native American languages; exception

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HB 2527

Introduced by
Representatives Deschene, Chabin, Senator Hale

AN ACT

AMENDING SECTIONS 15-751, 15-756 AND 15-756.01, ARIZONA REVISED STATUTES;
RELATING TO ENGLISH LANGUAGE EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Subject to the requirements of article IV, part 1, section
3 1, Constitution of Arizona, section 15-751, Arizona Revised Statutes, is
4 amended to read:

5 15-751. Definitions

6 In this article, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "Bilingual education/native language instruction" means a language
8 acquisition process for students in which much or all instruction, textbooks,
9 or teaching materials are in the child's native language other than English.

10 2. "English language classroom" means a classroom in which English is
11 the language of instruction used by the teaching personnel, and in which such
12 teaching personnel possess a good knowledge of the English language. English
13 language classrooms encompass both English language mainstream classrooms and
14 sheltered English immersion classrooms.

15 3. "English language mainstream classroom" means a classroom in which
16 the students either are native English language speakers or already have
17 acquired reasonable fluency in English.

18 4. "English learner" or "limited English proficient student" means a
19 child who does not speak English or whose native language is not English, and
20 who is not currently able to perform ordinary classroom work in English. A
21 PUPIL WHO IS PROFICIENT IN ONE OR MORE NATIVE AMERICAN LANGUAGES IS NOT AN
22 ENGLISH LEARNER OR A LIMITED ENGLISH PROFICIENT STUDENT FOR THE PURPOSES OF
23 THIS ARTICLE.

24 5. "Sheltered English immersion" or "structured English immersion"
25 means an English language acquisition process for young children in which
26 nearly all classroom instruction is in English but with the curriculum and
27 presentation designed for children who are learning the language. Books and
28 instructional materials are in English and all reading, writing, and subject
29 matter are taught in English. Although teachers may use a minimal amount of
30 the child's native language when necessary, no subject matter shall be taught
31 in any language other than English, and children in this program learn to
32 read and write solely in English. This educational methodology represents
33 the standard definition of "sheltered English" or "structured English" found
34 in educational literature.

35 Sec. 2. Section 15-756, Arizona Revised Statutes, is amended to read:

36 15-756. Identification of English language learners

37 A. The primary or home language for all new pupils who enroll in a
38 school district or charter school shall be identified in a manner prescribed
39 by the superintendent of public instruction.

40 B. The English language proficiency of all pupils with a primary or
41 home language other than English shall be assessed through the administration
42 of English language proficiency assessments in a manner prescribed by the
43 superintendent of public instruction. The test scores adopted by the
44 superintendent as indicating English language proficiency shall be based on
45 the test publishers' designated scores. The department shall annually

1 request an appropriation to pay for the purchase of all language proficiency
2 assessments, scoring and ancillary materials as prescribed by the department
3 for school districts and charter schools.

4 C. If it is determined that a pupil is not English language
5 proficient, the pupil shall be classified as an English language learner and
6 shall be enrolled in an English language education program pursuant to
7 section 15-752 or 15-753.

8 D. NOTWITHSTANDING SUBSECTION C OF THIS SECTION, A PUPIL WHO IS
9 PROFICIENT IN ONE OR MORE NATIVE AMERICAN LANGUAGES SHALL NOT BE CLASSIFIED
10 AS AN ENGLISH LANGUAGE LEARNER.

11 E. NOTWITHSTANDING SUBSECTION C OF THIS SECTION, A PUPIL WHO IS
12 BILINGUAL SHALL NOT BE CLASSIFIED AS AN ENGLISH LANGUAGE LEARNER.

13 F. A CHILD SHALL NOT BE CLASSIFIED AS AN ENGLISH LANGUAGE LEARNER
14 SOLELY BECAUSE THE PARENT OR GUARDIAN OF THE CHILD REPORTS THAT THE PRIMARY
15 LANGUAGE SPOKEN IN THE CHILD'S HOME IS A LANGUAGE OTHER THAN ENGLISH.

16 Sec. 3. Section 15-756.01, Arizona Revised Statutes, is amended to
17 read:

18 15-756.01. Arizona English language learners task force;
19 research based models of structured English
20 immersion for English language learners; budget
21 requests; definitions

22 A. The Arizona English language learners task force is established in
23 the department of education. The task force shall consist of:

24 1. Three members WHO ARE appointed by the superintendent of public
25 instruction.

26 2. Two members who are appointed by the governor.

27 3. Two members who are appointed by the president of the senate.

28 4. Two members who are appointed by the speaker of the house of
29 representatives.

30 B. Members of the task force shall serve four year terms. Members of
31 the task force shall elect a chairperson from among the members of the task
32 force. The department of education shall provide adequate staff support for
33 the task force.

34 C. By September 1, 2006, The task force shall develop and adopt
35 research based models of structured English immersion programs for use by
36 school districts and charter schools. The models shall take into
37 consideration at least the size of the school, the location of the school,
38 the grade levels at the school, the number of English language learners and
39 the percentage of English language learners. The models shall be limited to
40 programs for English language learners to participate in a structured English
41 immersion program not normally intended to exceed one year. The task force
42 shall identify the minimum amount of English language development per day for
43 all models. The task force shall develop separate models for the first year
44 in which a pupil is classified as an English language learner that includes
45 INCLUDE a minimum of four hours per day of English language development.

1 D. The research based models of structured English immersion adopted
2 by the task force shall be the most cost-efficient models that meet all state
3 and federal laws.

4 E. The research based models of structured English immersion shall be
5 limited to a regular school year and school day. Instruction outside the
6 regular school year or school day shall be provided with compensatory
7 instruction and may be eligible for funding from the statewide compensatory
8 instruction fund established by section 15-756.11.

9 F. The research based models of structured English immersion shall be
10 submitted by the task force to the president of the senate, the speaker of
11 the house of representatives, the governor and the state board of education.
12 At least thirty days before adoption, the task force shall submit the
13 research based models of structured English immersion to the joint
14 legislative budget committee for review.

15 G. The task force shall review research based models of structured
16 English immersion annually and delete **FROM**, add **TO** or modify the existing
17 models. When adopting or modifying English language learner programs, the
18 task force shall review and consider the information and data obtained as a
19 result of the department of education's monitoring of English language
20 learner programs pursuant to section 15-756.08.

21 H. The task force shall establish procedures for school districts and
22 charter schools to determine the incremental costs for implementation of the
23 research based models of structured English immersion developed by the task
24 force.

25 I. The task force shall establish a form for school districts and
26 charter schools to determine the structured English immersion budget request
27 amount. Notwithstanding any other law, the maximum amount of the budget
28 request shall be the incremental costs of the model selected offset by the
29 following monies:

30 1. All federal title III monies and any other federal monies
31 designated solely for the educational needs of English language learners.

32 2. The portion of title I and title IIA monies determined by the
33 English language learner population as a percentage of the qualified
34 population.

35 3. The portion of impact aid monies determined by the English language
36 learner population as a percentage of the qualified population. A school
37 district or charter school shall only apply unexpended impact aid monies to
38 English language learner programs after it has applied its impact aid monies
39 for other allowable uses as permitted by state law.

40 4. The portion of desegregation monies levied pursuant to section
41 15-910 determined by the English language learner population as a percentage
42 of the qualified population.

43 5. The ELL support level weight prescribed in section 15-943.

44 J. The difference calculated pursuant to subsection I of this section
45 shall be the maximum amount of the structured English immersion budget

1 request pursuant to section 15-756.03 for monies from the Arizona structured
2 English immersion fund established by section 15-756.04. Beginning July 15,
3 2008, school districts and charter schools shall not include the incremental
4 costs of any pupil who is classified as an English language learner after
5 July 1, 2007 and who has been classified as an English language learner for
6 more than two years in the calculation of the school district's or charter
7 school's structured English immersion budget request.

8 K. In consultation with the auditor general, the department of
9 education shall develop and adopt forms to be used by school districts and
10 charter schools to submit budget requests for the Arizona structured English
11 immersion fund, including the form prescribed in subsection I of this
12 section.

13 L. NOTWITHSTANDING SUBSECTION C OF THIS SECTION, THE TASK FORCE SHALL
14 ACCEPT ALTERNATIVE MODELS THAT EXEMPT PUPILS WHO ARE PROFICIENT IN ONE OR
15 MORE NATIVE AMERICAN LANGUAGES FROM THE STRUCTURED ENGLISH IMMERSION PROGRAMS
16 IN ACCORDANCE WITH THE NATIVE AMERICAN LANGUAGES ACT OF 1990 (P.L. 101-477).

17 ~~L.~~ M. For the purposes of this section:

18 1. "Compensatory instruction" has the same meaning prescribed in
19 section 15-756.11.

20 2. "Incremental costs" means costs that are associated with a
21 structured English immersion program pursuant to section 15-752 or a program
22 pursuant to section 15-753 and that are in addition to the normal costs of
23 conducting programs for English proficient students. Incremental costs do
24 not include costs that replace the same types of services provided to English
25 proficient students or compensatory instruction.

26 Sec. 4. Requirements for enactment: three-fourths vote

27 Pursuant to article IV, part 1, section 1, Constitution of Arizona,
28 section 15-751, Arizona Revised Statutes, as amended by this act, is
29 effective only on the affirmative vote of at least three-fourths of the
30 members of each house of the legislature.